

**BEFORE THE STATE BOARD OF REGISTRATION
FOR THE HEALING ARTS**

STATE BOARD OF REGISTRATION
FOR THE HEALING ARTS,

Board,

v.

SAMUEL L. FRIEDMAN, D.O.,
610 Beverly Rancocas Road
Willingboro, NJ 08046

Licensee.

Case No. 1999-000093

SETTLEMENT AGREEMENT

Samuel L. Friedman, D.O., ("Licensee") and the State Board of Registration for the Healing Arts (the "Board") enter into this Agreement for the purpose of resolving the question of whether Dr. Friedman's license as a physician or surgeon will be subject to discipline. Licensee and the Board jointly stipulate and agree that a final disposition of this matter may be effectuated as described below pursuant to §621.045, RSMo Supp. 1995.

1. Licensee acknowledges that he understands the various rights and privileges afforded by law, including the right to a hearing of the charges against Licensee; the right to appear and be represented by legal counsel; the right to have all charges against Licensee proven upon the record by competent and substantial evidence; the right to cross-examine any witness appearing at the hearing against Licensee; the right to present evidence on Licensee's own

behalf; the right to a decision based upon the record by a fair and impartial administrative hearing commissioner concerning the charges pending against Licensee; and subsequently, the right to a disciplinary hearing before the Board at which time evidence may be presented in mitigation of discipline. Having been advised of these rights provided Licensee by operation of law, Licensee knowingly and voluntarily waives each and every one of these rights and freely enters into this Agreement and agrees to abide by the terms of this document as they pertain to Licensee.

2. Licensee acknowledges that he may, at the time this Agreement is effective or within fifteen days thereafter, submit this Agreement to the Administrative Hearing Commission for determination that the facts agreed to by the parties constitute grounds for discipline of Licensee's license.
3. Licensee acknowledges that he has been informed of his right to consult legal counsel in this matter.
4. Licensee hereby waives and releases the Board, its members and any of its employees, agents, or attorneys, including any former Board members, employees, agents, and attorneys, of, or from, any liability, claim, actions, causes of action, fees, costs and expenses, and compensation, including any claims pursuant to §536.087, RSMo 1994, or any claim arising under 42 U.S.C. 1983, which may be based upon, arise out of, or relate to any of the matters raised in this case or this Agreement, or from the negotiation or execution of

this Agreement. The parties acknowledge that this paragraph is severable from the remaining portions of this Agreement in that it survives in perpetuity even in the event that any court of law deems this Agreement, or any portion thereof, void or unenforceable.

5. The parties stipulate and agree that the disciplinary order agreed to by the Board and Licensee in Part II herein is based only on the Agreement set out in Part I herein. Licensee understands that the Board may take further disciplinary action against Licensee based on facts or conduct not specifically mentioned in this document that are either now known to the Board or may be discovered.
6. Licensee understands and agrees that the Missouri State Board of Registration for the Healing Arts will maintain this Agreement as an open record of the Board as required by Chapters 334, 610, 620, and 621, RSMo, as amended.

I.

Based upon the foregoing, Board and Licensee herein jointly stipulate to the following:

JOINT PROPOSED FINDINGS OF FACT

1. The State Board of Registration for the Healing Arts (the "Board") is an agency of the State of Missouri created and established pursuant to §334.120, for the purpose of executing and enforcing the provisions of Chapter 334, RSMo.
2. Samuel L. Friedman, D.O., is licensed by the Board as a physician and surgeon, license number DO29323, which was first issued on June 22, 1963.

Licensee's certificate of registration is now current, and was so at all times relevant herein.

3. Friedman is licensed by the New Jersey State Board of Medical Examiners as a physician and surgeon, license number MB21345. Friedman's New Jersey license is now current, and was so at all times relevant herein.

4. On or about June 30, 1999, Friedman entered into a Consent Order with the New Jersey State Board of Medical Examiners. A copy of the Consent Order is attached as Exhibit 1 and incorporated by reference as though fully set forth.

5. The basis for the Consent Order was Friedman's failure to adequately document progress notes justifying continued use of multiple modalities and physical therapies.

6. As a result of these allegations, Friedman entered into the Consent Order with the New Jersey State Board of Medical Examiners in which he received a reprimand, was assessed civil penalties in the amount of \$10,000, ordered to cease and desist the use of digital myography and comply with other record keeping requirements.

JOINT PROPOSED CONCLUSIONS OF LAW

1. Cause exists to discipline Friedman's license pursuant to §334.100.2 (8) RSMo Supp. 1997, which provides in pertinent part:

2. The Board may cause a complaint to be filed with the administrative hearing commission as provided by chapter 621, RSMo, against any holder of any certificate of

registration or authority, permit or license required by this chapter or any person who has failed to renew or has surrendered his certificate of registration or authority, permit or license for any one or any combination of the following causes:

. . . .

(8) Revocation, suspension, restriction, modification, limitation, reprimand, warning, censure, probation or other final disciplinary action against the holder of or applicant for a license or other right to practice any profession regulated by this chapter by another state, . . . whether or not voluntarily agreed to by the licensee or applicant, including, but not limited to, the denial of licensure, surrender of the license, allowing the license to expire or lapse, or discontinuing or limiting the practice of medicine while subject to an investigation or while actually under investigation by any licensing authority, ...agency of the state or federal government ...;

2. Licensee's conduct, as established by the foregoing facts, falls within the intendment of §334.100.2 (8) RSMo Supp. 1997.

3. Cause exists for the Board to take disciplinary action against Licensee's license under §334.100.2 (8) RSMo Supp. 1997.

II.

JOINT PROPOSED DISCIPLINARY ORDER

Based on the foregoing, the parties mutually agree and stipulate that the following shall constitute the disciplinary order entered by the State Board of

Registration for the Healing Arts in this matter under the authority of §621.110, RSMo 1994.

A. Effective the date the Board enters into the Agreement:

1. The medical license, No. DO29323, issued to Friedman is hereby

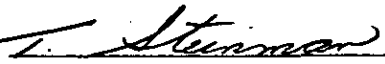
PUBLICLY REPRIMANDED.

2. In consideration of the foregoing, the parties consent to the termination of any further proceedings based upon the facts set forth herein.

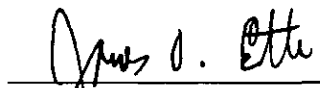
LICENSEE

BOARD


SAMUEL L. FRIEDMAN, D.O. Date 5/16/00

 6/8/00
TINA STEINMAN Date
Executive Director

JEREMIAH W. (JAY) NIXON
Attorney General

 6/5/00
JAMES O. ERTLE Date
Assistant Attorney General
Missouri Bar No. 49166

Broadway State Office Building
P.O. Box 899
Jefferson City, MO 65102
(573) 751-4087
(573) 751-5660 Facsimile

Attorneys for Board

EFFECTIVE THIS 8 DAY OF June, 2000.

JOHN J. FARMER, JR.
ACTING ATTORNEY GENERAL OF NEW JERSEY
Division of Law, 5th Floor
124 Halsey Street
P.O. Box 45029
Newark, New Jersey 07102

FILED

By: Susan C. Berger
Deputy Attorney General
Tel. (973) 648-7093

June 30, 1999
NEW JERSEY STATE BOARD
OF MEDICAL EXAMINERS

STATE OF NEW JERSEY
DEPARTMENT OF LAW & PUBLIC SAFETY
DIVISION OF CONSUMER AFFAIRS
BOARD OF MEDICAL EXAMINERS

IN THE MATTER OF SUSPENSION
OR REVOCATION OF THE LICENSE OF

SAMUEL FRIEDMAN, D.O.
LICENSE NO. MB21345

TO PRACTICE MEDICINE AND SURGERY
IN THE STATE OF NEW JERSEY

Administrative Action
CONSENT ORDER

This matter was opened to the New Jersey State Board of Medical Examiners (hereinafter "Board") based upon allegations that Dr. Samuel Friedman had failed to document the reasons for diagnostic tests (digital myography) and the continued use of multiple modalities/physical therapy. Dr. Friedman is a physician with offices at 610 Beverly Rancocas Road, Willingboro, New Jersey.

Dr. Friedman appeared before a Committee of the Board on January 22, 1997 and on May 28, 1997 together with his counsel Arthur Cohen, Esq. He testified that his practice consists of family practice and personal injury matters. Dr. Friedman



CERTIFIED TRUE COPY

submitted a summary of patient records for eleven patients, his C.V., a document entitled "Why Testing Isometrically", a copy of Roger A. Kendrick's license as a physical therapist assistant and a letter, dated September 24, 1991 to attorney Grayer regarding patient H.W. and hospital records of H.W. from JFK Hospital. Dr. Friedman was questioned about his treatment of patients whose records had been subpoenaed.

After reviewing the eleven patient records and Dr. Friedman's testimony, the Board finds that Dr. Friedman has failed to adequately document in his progress notes his reasons for ordering digital myography and the reasons for the continued use of multiple modalities/physical therapy in violation of N.J.A.C. 13:35-6.5(b); in addition his physical therapist assistants were not properly supervised in violation of N.J.A.C. 13:39A-2.3(a). Dr. Friedman voluntarily participated in the Colorado Personalized Education for Physicians (CPEP) course on September 15-16, 1997. Dr. Friedman has submitted the CPEP report to the Board.

The Board finding that this disposition of the matter is adequately protective of the public, and other good cause appearing;

IT IS 30th day of June , 1999;

ORDERED:

1. Respondent is reprimanded for not adequately documenting in his progress notes the reasons for ordering digital myography testing, the basis for the continued use of multiple modalities and

physical therapy and any progress resulting from the continued use of multiple modalities and physical therapy.

2. Respondent shall cease and desist in the use of digital myography. Respondent represents that he has not utilized such testing since approximately July 1, 1997.

3. Respondent shall successfully complete the Medical Record Keeping segment of Dr. Vilensky's Mini Residency course. Respondent has submitted a certification of successful completion of the course.

4. Respondent shall maintain progress notes concerning the use of modalities and physical therapy and the medical basis for ordering diagnostic tests.

5. Respondent shall cease and desist from violating N.J.A.C. 13:39A-2.3(a).

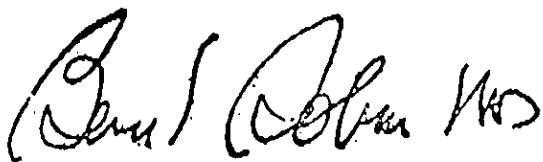
6. Respondent expressly understands and consents to the admission of any reports prepared by CPEP into evidence at any future disciplinary proceedings before the Board.

7. Respondent is assessed costs in the amount of \$1,644.31 payable to the New Jersey State Board of Medical Examiners by certified check by June 21, 1999.

8. Respondent is assessed civil penalties in the amount

of \$10,000 payable to the New Jersey State Board of Medical
Examiners by certified check by June 21, 1999.

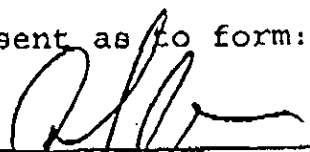
STATE BOARD OF MEDICAL EXAMINERS

By 
Bernard Robins, M.D.
President

I have read and understood
the within Order and agree to
be bound by its terms.
Consent to enter this Order is
hereby given.


Samuel Friedman, D.O.

Consent as to form:


Arthur Cohen, Esq.
Attorney for Respondent